

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 90 - 065

AN ORDER RESCINDING CEASE AND DESIST ORDERS NO. 85-42 AND 87-167
FOR THE VALLEJO SANITATION AND FLOOD CONTROL DISTRICT

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Board) finds that:

1. The Vallejo Sanitation and Flood Control District, hereinafter Discharger, owns and operates a wastewater treatment plant located in Vallejo, Solano County, California. The plant is designed to treat an average dry weather flow of up to 12.5 million gallons per day (mgd) of municipal and industrial wastewater from the Vallejo area using physical-chemical and biological treatment processes.
2. The physical-chemical treatment plant began operation in December 1977 but was found to be incapable of meeting secondary treatment discharge requirements. In accord with enforcement actions by the Board, the Discharger subsequently constructed new secondary treatment facilities, which were completed and put into operation in March 1988.
3. On July 20, 1983 the Board adopted Order No. 83-24 (NPDES Permit No. CA0037099) reissuing waste discharge requirements for the Discharger with full secondary treatment effluent limitations. The Board also adopted Cease and Desist Order No. 83-25 which revised the time schedule for constructing secondary treatment facilities and required compliance with the requirements of Order No. 83-24.
4. On April 30, 1985 the Board adopted Cease and Desist Order No. 85-42 rescinding Order No. 83-25 and establishing (1) a revised time schedule for constructing biological secondary treatment facilities and achieving full compliance for dry weather flows by July 1, 1988, (2) a time schedule for preparing plans and initiating construction of improvements necessary to comply with requirements for control of wet weather flows, and (3) interim effluent limitations for wastewater discharges prior to completion of the biological secondary treatment facilities.
5. On August 19, 1987 the Board adopted a motion approving the Discharger's proposed design criteria and design concepts for collection system and treatment plant improvements to handle wet weather flows, and finding the Discharger in compliance with Cease and Desist Order No. 85-42.

6. On December 16, 1987 the Board adopted Cease and Desist Order No. 87-167 establishing a revised time schedule for completion of flow-through bioassay facilities, and modifying the interim effluent limitations for Oil and Grease established in Order No. 85-42.
7. On October 19, 1988 the Board adopted Order No. 88-153 (NPDES Permit No. CA0037099), reissuing waste discharge requirements for the Discharger with full secondary treatment effluent limitations, and special provisions regarding planned improvements to control wet weather flows. Order No. 88-153 also rescinded Order No. 83-24.
8. Order No. 85-42 established a revised time schedule for construction of new secondary treatment facilities and compliance with effluent limits for dry weather flows, and stated, in part:

"A. The discharger shall comply with Effluent Limitations B.1.b (BOD), B.1.c (Suspended Solids), B.1.d (Oil & Grease), B.2 (85% Removal), and B.4 (Toxicity) of Order No. 83-24 according to the following time schedule:

| <u>Task</u> | <u>Completion Date</u> |
|--|------------------------|
| ... | |
| 7. Complete Construction and Begin Start-Up | April 1, 1988 |
| 8. Full Compliance for Dry Weather Flows | July 1, 1988 " |

9. The Discharger secured the necessary funding, completed design and construction, and began use of new biological secondary treatment facilities in accord with the above time schedule. The new secondary facilities were started up in March 1988, and the Discharger has achieved consistent compliance with full secondary treatment effluent limits since April 1988.
10. Order No. 85-42 established interim effluent limitations for discharges from the treatment plant prior to completion of the new secondary facilities and stated, in part:

"C. With respect to Effluent Limitations ... [of Order No. 83-24] ... , the following interim effluent limitations shall apply prior to April 1, 1988, or the completion of plant start-up, whichever is sooner: ... "
11. The new secondary treatment facilities were started up in March 1988, and all facilities necessary to achieve compliance with secondary treatment limits were operational by April 1, 1988. The interim effluent limits established in Order No. 85-42 ceased to apply, and were effectively replaced by the full secondary treatment effluent limits of the Discharger's NPDES Permit, as of April 1, 1988.

12. Order No. 85-42 also established a time schedule for completion of planning and design, and implementation of improvements to control wet weather flows, overflows and bypasses. As of August 17, 1987, when the Board adopted a motion finding the Discharger in compliance with Order No. 85-42, the only remaining task was as follows:

| <u>" Task</u> | <u>Completion Date</u> |
|---|---|
| 10. Submit Annual Progress Reports Quantifying Sewerage System Improvements and Their Impacts on Compliance, Wet Weather Flow Quantity, Overflow/Bypass Frequency and Summarizing Actions for Coming Year. | July 1 (each year from 1985 until full com- pliance is achieved) " |

13. The intent of the above requirement was to ensure that the Board would be kept adequately informed of the Discharger's efforts and progress toward achieving full compliance with waste discharge requirements. The provisions of Order No. 88-153, the Discharger's current NPDES permit, require monthly summaries of progress toward completion of planned treatment facility and collection system improvements to handle wet weather flows, in compliance with waste discharge requirements. Thus, the Annual Report requirement of Order No. 85-42 has been effectively replaced by the provisions of the Discharger's current NPDES permit.
14. The Discharger is presently constructing additional treatment plant facilities to treat wet weather flows, and is implementing collection system improvements to handle wet weather flows through a phased, nine-year, Infiltration/Inflow Corrections Program. These projects are being implemented by the Discharger to correct identified adverse impacts to water quality and public health caused by excessive wet weather overflows and bypasses, and to achieve compliance with the Board's waste discharge requirements.
15. On August 19, 1987 the Board adopted Order No. 87-100 amending NPDES Permits for 29 major dischargers, including the Discharger, establishing compliance time schedules for implementation of flow-through effluent bioassays.
16. Order No. 87-167 established a revised time schedule for compliance with Order No. 87-100, and stated, in part:

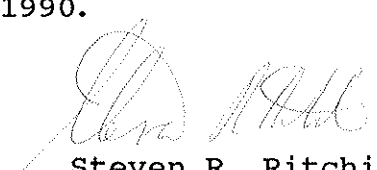
"A. The discharger shall comply with effluent toxicity requirements using flow-through effluent bioassays... in accord with the following time schedule:

| <u>Task</u> | <u>Completion Date</u> | |
|-------------------------|------------------------|---|
| Implementation: | September 1, 1988 | |
| Demonstrate Compliance: | December 1, 1988 | " |

17. The Discharger completed installation of effluent flow-through bioassay facilities at the treatment plant in September 1988. The Discharge began demonstrating compliance with effluent toxicity limits using the flow-through bioassay system in October 1988, and has since shown consistent compliance with effluent toxicity requirements.
19. Order No. 87-167 also revised the interim effluent limits for Oil and Grease established in Order No. 85-42. As described in Finding 11 above, these interim limits ceased to apply and were replaced by full secondary treatment effluent limits as of April 1, 1988. The Discharger has achieved consistent compliance with secondary effluent limits for Oil and Grease since April 1988.
20. The purpose of this Order is to rescind Cease and Desist Orders No. 85-42 and 87-167, since the Discharger has achieved compliance with all of the requirements prescribed by these Orders.
21. This action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of Title 14 of the California Code of Regulations.
22. On May 16, 1990, during a meeting starting at 9:30 am in the Second Floor Meeting Room, BART Headquarters Building, 800 Madison Street, Oakland, California, after due notice to the Discharger and other interested persons, the Board conducted a public hearing at which the Discharger and other interested persons were given opportunity to appear and be heard, and evidence was received concerning the discharge and the Board's actions regarding the discharge.

IT IS HEREBY ORDERED that the Board's Cease and Desist Orders No. 85-42 and 87-167 are rescinded.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 16, 1990.



Steven R. Ritchie
Executive Officer

[File Nos. 2129.2012,
and 2312.2012]
[Originator: BDA]
[Reviewer: RJC]